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Security Council

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Letter dated 17 September 2008 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to transmit herewith resolution 6939, adopted by the Council of the League of Arab States at its meeting held at the ministerial level during its 130th ordinary session (Cairo, 2-8 September 2008), concerning the occupation by Iran of the three Arab islands in the Arabian Gulf belonging to the United Arab Emirates: the Greater Tunb, the Lesser Tunb and Abu Musa (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

08-51600 (E) 250908

Annex to the letter dated 17 September 2008 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Occupation by Iran of the three Arab islands in the Arabian Gulf belonging to the United Arab Emirates: the Greater Tunb, the Lesser Tunb and Abu Musa

The Council of the League at the ministerial level,

Having considered:

- The note of the General Secretariat,
- The preliminary report of the Secretary-General and the activities of the General Secretariat between sessions,
- The recommendation of the Political Affairs Committee,

Guided by the resolutions of previous summits, the most recent of which was resolution 418 of the Damascus Summit (twentieth ordinary session) of 30 March 2008, concerning the occupation by the Islamic Republic of Iran of three islands in the Arabian Gulf, namely, the Greater Tunb, the Lesser Tunb and Abu Musa, which belong to the United Arab Emirates,

Confirming earlier resolutions, the most recent of which was resolution 6869 adopted at the 129th ordinary session on 5 March 2008,

Decides

1. To reaffirm without qualification the absolute sovereignty of the United Arab Emirates over its three islands of the Greater Tunb, the Lesser Tunb and Abu Musa and support all peaceful measures and means adopted by the United Arab Emirates in order to regain sovereignty over the occupied islands;

2. To denounce the continued consolidation by the Government of the Islamic Republic of Iran of its occupation of the three islands and its violation of the sovereignty of the United Arab Emirates, which undermine security and stability in the region and pose a threat to international peace and security;

3. To condemn the building of housing facilities by the Iranian Government with a view to settling Iranians on the three occupied Arab islands;

4. To censure the Iranian military manoeuvres being conducted on the three occupied islands of the United Arab Emirates, namely, the Greater Tunb, the Lesser Tunb and Abu Musa, and in the territorial waters, airspace, continental shelf and exclusive economic zone of those islands, which constitute an inseparable part of the United Arab Emirates, and to request that the Islamic Republic of Iran desist from such violations and acts of provocation, which constitute interference in the internal affairs of an independent, sovereign State, do not promote confidence building, threaten security and stability in the region and endanger the security and safety of regional and international navigation in the Arabian Gulf;

5. To denounce the opening by the Islamic Republic of Iran of two offices in the United Arab Emirates island of Abu Musa and request the Iranian Government to remove those illegal installations and respect the sovereignty of the United Arab Emirates over its territory;

6. To appeal once again to the Iranian Government to end its occupation of the three United Arab Emirates islands, refrain from trying to impose a fait accompli by force, desist from establishing any installations for the purpose of modifying the residential or demographic structure of the islands, revoke all measures and remove all installations unilaterally put in place on the three Arab islands, inasmuch as such measures and claims are null and void, lack any legal effect, do not diminish the established right of the United Arab Emirates over its three islands and are acts that run counter to the provisions of international law and the Geneva Convention of 1949; and to call upon the Iranian Government to adopt peaceful means for resolving the current dispute over those islands in accordance with the principles and norms of international law, including agreement to refer the matter to the International Court of Justice;

7. To express the hope that the Islamic Republic of Iran will reconsider its position of rejecting the effort to find a peaceful solution to the issue of the three occupied United Arab Emirates islands either through direct, sincere negotiations or through recourse to the International Court of Justice;

8. To insist that the Islamic Republic of Iran translate its stated desire for improved relations with the Arab countries and for dialogue and détente into genuine action, in both word and deed, in real response to the earnest appeals made by His Highness Sheikh Khalifa Bin Zayed Al Nahyan, Head of State of the United Arab Emirates, and by the Arab States members of the Gulf Cooperation Council, the Arab States, the international community, friendly nations and the Secretary-General of the United Nations, calling for a solution to the dispute over the three occupied islands by peaceful means in accordance with customary practice and the covenants and rules of international law, either through direct, genuine negotiations or through recourse to the International Court of Justice, with a view to building trust and enhancing security and stability in the Arabian Gulf region;

9. To have all Arab States undertake, in their contacts with the Islamic Republic of Iran, to raise the issue of the occupation of the three islands by that country, and insist that it must be ended, based on the fact that the three islands are occupied Arab territory;

10. To inform the Secretary-General of the United Nations and the President of the Security Council of the importance of maintaining the issue on the list of matters of which the Security Council is seized until the Islamic Republic of Iran ends its occupation of the three Arab islands and the United Arab Emirates regains its full sovereignty over them;

11. To request the Secretary-General to follow up this matter and report to the Council at its next ordinary session.

(Resolution 6939 (130) — meeting 2-8 September 2008)

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Draft resolution

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001), 1510 (2003), 1776 (2007) and 1806 (2008),

Reaffirming also its resolutions 1267 (1999), 1368 (2001), 1373 (2001) and 1822 (2008), and *reiterating* its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, its resolutions 1325 (2000) and 1820 (2008) on women and peace and security, and its resolution 1612 (2005) on children and armed conflict,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghan Authorities, stressing the role of the International Security Assistance Force (ISAF) in assisting the Afghan Government to improve the security situation and *welcoming* the cooperation of the Afghan Government with ISAF,

Recognizing once again the interconnected nature of the challenges in Afghanistan, *reaffirming* that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics is mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, *noting*, in this context, the synergies in the objectives of the United Nations Assistance Mission in Afghanistan (UNAMA) and of ISAF, and *stressing* the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Expressing its strong concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in

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threats to the local population, including children, national security forces and international military and civilian personnel,

Encouraging ISAF to further, effectively support, within its designated responsibilities, Afghan-led sustained efforts to address, in cooperation with relevant international and regional actors, the threat posed by the illicit production of and trafficking in drugs,

Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms,

Reiterating its support for the continuing endeavours by the Afghan Government, with the assistance of the international community, including ISAF and the Operation Enduring Freedom (OEF) coalition, to improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other extremist groups, and *stressing* in this context the need for sustained international efforts, including those of ISAF and the OEF coalition,

Condemning in the strongest terms all attacks, including Improvised Explosive Device (IED) attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and *condemning* further the use by the Taliban and other extremist group of civilians as human shields,

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats, *expressing* its serious concern with the high number of civilian casualties in this context, *noting* relevant statements of Afghan authorities and high-ranking United Nations officials, as well as Press Statements of the President of the Security Council, in this regard, and *calling* for compliance with international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians,

Recognizing the efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, and *calling on* them to take additional robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred and when the Afghan Government finds these joint investigations appropriate,

Stressing the need for further progress in security sector reform, including further strengthening of the Afghan National Army and in particular of the Afghan National Police, disbandment of illegal armed groups, justice sector reform and counter narcotics,

Stressing in this context the importance of further progress in the reconstruction and reform of the prison sector in Afghanistan, in order to improve the respect for the rule of law and human rights therein,

Reiterating its call on all Afghan parties and groups to engage constructively in peaceful political dialogue within the framework of the Afghan Constitution and in the socio-economic development of the country and to avoid resorting to violence including through the use of illegal armed groups, and *encouraging* the implementation of Afghan-led reconciliation programmes within the framework of

the Afghan Constitution and with full respect of the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions of the Council,

Recalling the leading role that the Afghan Authorities will play for the organization of the next presidential elections, with the assistance of the United Nations, and *stressing* the importance of the assistance to be provided to the Afghan Authorities by ISAF in ensuring a secure environment conducive to the elections,

Recognizing the importance of the contribution of neighbouring and regional partners for the stabilization of Afghanistan, and *stressing* the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan,

Welcoming the continued coordination between ISAF and the OEF coalition, and the cooperation established between ISAF and the European Union presence in Afghanistan, in particular its police mission (EUPOL Afghanistan),

Expressing its appreciation for the leadership provided by the North Atlantic Treaty Organization (NATO), and for the contributions of many nations to ISAF and to the OEF coalition, including its maritime interdiction component, which operates within the framework of the counter-terrorism operations in Afghanistan and in accordance with the applicable rules of international law,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of ISAF, in coordination with the Afghan Government,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2008;

2. *Authorizes* the Member States participating in ISAF to take all necessary measures to fulfil its mandate;

3. *Recognizes* the need to further strengthen ISAF to meet all its operational requirements, and in this regard *calls upon* Member States to contribute personnel, equipment and other resources to ISAF, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);

4. *Stresses* the importance of increasing, in a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector, *encourages* ISAF and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces, in order to accelerate progress towards the goal of self-sufficient and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country, *welcomes* in this context the progress achieved by the Afghan Authorities in assuming lead security responsibility for Kabul, and *stresses* the importance of supporting the planned expansion of the Afghan National Army;

5. *Calls upon* ISAF to continue to work in close consultation with the Afghan Government and the Special Representative of the Secretary-General as well as with the OEF coalition in the implementation of the force mandate;

6. *Requests* the leadership of ISAF to keep the Security Council regularly informed, through the Secretary-General, on the implementation of its mandate, including through the provision of quarterly reports;

7. *Decides* to remain actively seized of this matter.

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Letter dated 19 September 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

With reference to the letter from the Permanent Representative of Cambodia addressed to the President of the Security Council dated 15 September 2008 (S/2008/606), I have the honour to send herewith for your information a letter from the Minister for Foreign Affairs of Thailand addressed to the Minister for Foreign Affairs of Cambodia, dated 18 August 2008, affirming Thailand's ownership of the Prasat Ta Muen Temple complex (see annex I). At the meeting between the Foreign Ministers of the two countries in Thailand on 18 and 19 August 2008, the Ministers agreed to consider this issue at their next meeting.

Together with this letter, I wish to enclose herewith for your information an aide-memoire dated 16 September 2008 from the Ministry of Foreign Affairs of Thailand to the Government of Cambodia protesting Cambodia's violation of Thailand's sovereignty over the Temple of Ta Kwai in Thailand (see annex II).

Notwithstanding the aforesaid incidents, I wish to strongly reaffirm that Thailand values and attaches great importance to good and friendly relations with Cambodia, which is our neighbour for life. It is a well-known fact that Thailand and Cambodia share many cultural and religious commonalities. Peoples of both sides of the borders have long been living together in harmony and visiting each other as relatives and friends.

With this in mind, Thailand is firmly committed to resolving any outstanding issues with Cambodia through bilateral negotiations. The previous two meetings between the two Foreign Ministers have provided a good momentum towards this end. The jointly established Thailand-Cambodia Joint Commission on Demarcation for Land Boundary will be convened soon, and the Foreign Ministers of both countries will also meet again to continue the discussions. All channels of communication between the two countries have been fully functioning as normal. Last but not least, the Heads of Government of Thailand and Cambodia have clearly expressed their common desire and commitment to the continuing bilateral discussions for the benefits of the two countries and their peoples.

I have the honour to request that the present letter and its annexes be circulated as a document of the Security Council.

(*Signed*) Don **Pramudwinai**
Ambassador
Permanent Representative
of the Kingdom of Thailand to the United Nations

08-51584 (E) 290908

Annex I to the letter dated 19 September 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

I have the honour to refer to your note dated 14 August 2008 regarding the situation in the area of the Prasat Ta Muen Temple complex (mentioned in your note as "Tamone Temple").

In reply, I wish to state that the Prasat Ta Muen Temple complex is situated in the territory of the Kingdom of Thailand. It has been inscribed on Thailand's National Monument List by the Fine Arts Department since B.E. 2478 (1935). In addition, Thai troops have always been openly stationed in the area for decades without any disruption. In this connection, at the request of the Deputy Minister of Defence of Cambodia, General Neang Phat, to visit Prasat Ta Muen Thom, the Thai troops there accorded him a very warm welcome on 13 August 2008. Moreover, the Thai authorities have always facilitated the visit by Cambodian pilgrims to Prasat Ta Muen Temple complex on religious occasions. The Thai and Cambodian people in the areas have long enjoyed peaceful relations with each other. However, on 2 August 2008, a high-ranking Cambodian military officer accompanied by about 45 heavily armed troops requested the Thai military for permission to visit Prasat Ta Muen Thom. After having been refused entry to the temple compound with the heavily armed troops, the said Cambodian high-ranking military officer became very angry and threatened to bring more troops with him during his next visit. The Thai military launched an official complaint directly with the Minister of Defence of Cambodia regarding this incident.

I also wish to reiterate the Royal Thai Government's resolve to seek a just and peaceful solution to boundary issues with Cambodia in the spirit of friendship and cooperation and in accordance with international law. Issues such as these are most appropriately dealt with under the technical framework of the Thailand-Cambodia Joint Commission on Demarcation for Land Boundary.

As a matter of fact, the joint survey team under the Joint Commission began work in the area of Prasat Ta Muen in November 2007. The team is currently implementing the initial phase of the first of five steps of work under the Commission's agreed procedures for the survey and emplacement of boundary pillars (paragraph 4 of the terms of reference and master plan for the joint survey and demarcation of the land boundary between the Kingdom of Thailand and the Kingdom of Cambodia). Much remains to be done, as the agreed boundary pillar in this area has unfortunately been lost. The Joint Commission will, inter alia, have to examine carefully all the relevant pieces of historical evidence, including the Minutes on the Demarcation (No. 22 on Sector 4) mentioned in your note. Pending completion of the work of the Joint Commission in this area, everything should be done to prevent this issue from affecting the friendly relations existing between our two countries.

(*Signed*) Tej **Bunnag**
Minister for Foreign Affairs of the Kingdom of Thailand

Annex II to the letter dated 19 September 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

Aide-memoire

The Ministry of Foreign Affairs has the honour to draw the attention of the Royal Government of the Kingdom of Cambodia to reports received from local authorities in Surin Province that on 3 August and 6 September 2008 Cambodian armed units of more than 30 and 70 men, respectively, entered and occupied the Temple of Ta Kwai (Prasat Ta Kwai), an archaeological site situated within the territory of the Kingdom of Thailand.

On 6 August and 6 September 2008, respectively, the Thai local authorities informed the said Cambodian units that they had been intruding into Thai territory and requested that they immediately evacuate the area. The requests were however disregarded for several days and the said Cambodian units were withdrawn from the site and its vicinity only after repeated protests from the said Thai local authorities.

These acts constituted violation of the sovereignty and territorial integrity of the Kingdom of Thailand. The Ministry therefore has the honour to formally lodge a protest in this regard and hereby requests that the Royal Government of Cambodia do its utmost to avoid this kind of unfortunate incident in the future.

The Ministry hereby reaffirms Thailand's commitment to closely cooperate with Cambodia within the existing framework of the Thailand-Cambodia Joint Boundary Commission on Demarcation for Land Boundary with a view to resolving boundary issues in a just and peaceful manner in accordance with international law.

Ministry of Foreign Affairs of Thailand
Bangkok
16 September B.E. 2551 (2008)